

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DR. RICHARD LIPSKY, *et al.*,

Plaintiffs,

v.

**NEW JERSEY DEPARTMENT OF
HEALTH, *et al.*,**

Defendants.

Case No. 21-cv-07472-CCC-ESK

ORDER

THIS MATTER having come before the Court for an initial scheduling conference on May 13, 2021; and the parties having filed a joint proposed discovery plan (ECF No. 12); and this matter having been removed from the Superior Court of New Jersey (State Court) based on federal-question jurisdiction (ECF No. 1); and plaintiffs having filed a motion to remand on April 13, 2021 (Remand Motion) (ECF No. 7), to which defendants filed an opposition (ECF No. 10); and plaintiffs having filed a reply in further support (ECF No. 11); and plaintiffs having advised the Court during the conference that they intend to file a second amended complaint containing no federal claims (ECF No. 16); and plaintiffs having confirmed that they waive all federal claims that could have been asserted in this matter; and defendants having consented to permitting plaintiffs to file such an amended complaint; and for the reasons stated on the record,

IT IS on this **17th** day of **May 2021** **ORDERED** that:

1. The Remand Motion (ECF No. 7) is **DENIED** as moot.
2. The federal claims asserted in the amended complaint are deemed withdrawn and barred, and the case insofar as it raises claims under state law is remanded to State Court.
3. The Clerk of the Court is directed to terminate the Remand Motion at **ECF No. 7** and close this matter.

/s/ Edward S. Kiel

EDWARD S. KIEL

UNITED STATES MAGISTRATE JUDGE